REMARKS

Claims 1-79 are pending.

Examiner's Interview

On August 4, 2005, John Wagner (Attorney for the Applicants), Joel Youngs (Mr. Wagner's associate), and Susie Wee (the first-named inventor) traveled to Washington, DC, and met in person with Examiners Brandon Hoffman and Syed Zia of the Patent Office. Applicants had fully expected that Supervisory Patent Examiner Ayaz Sheikh, whose name and signature appear on the instant Office Action as well as preceding Office Actions, would attend the interview. While Applicants sincerely appreciate the participation of Examiners Hoffman and Zia in the interview, Applicants are disappointed that Examiner Sheikh did not attend, in particular considering the distance traveled and the limited time available for the interview. As a consequence of Examiner Sheikh's absence, a substantial amount of the time available for the interview was spent reviewing the fundamentals of the invention for the benefit of Examiner Zia, who had not been involved in the prosecution of the instant application up to the time of the interview.

Applicants acknowledge the conclusion documented in the PTO's Interview Summary that Al Jabri et al., "Secure Progressive Transmission of Compressed Images," which is cited in a previous Office Action, is not relevant to the instant application.

During the interview, Applicants explained that there is no suggestion or motivation to combine the references cited in the instant Office Action. This argument is reiterated in the discussion below.

103(a) Rejections

Claims 1-8, 12-28 and 32-79

The instant Office Action states that Claims 1-8, 12-28 and 32-79 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakagawa in view of Perlman. The Applicants have reviewed the cited references and respectfully submit that the present invention as recited in Claims 1-8, 12-28 and 32-79 is not anticipated nor rendered obvious by Nakagawa and Perlman, alone or in combination.

Applicants respectfully submit that there must be some suggestion or motivation to combine Nakagawa and Perlman. Applicants respectfully contend that there is no such suggestion or motivation in either Nakagawa and Perlman. Perlman makes no mention of encoding or compressing data. Nakagawa appears to only describe encryption in terms of scrambling.

Applicants respectfully disagree with the statements in the instant Office Action that it would have been obvious to one of ordinary skill in the art to combine the teachings of Nakagawa and Perlman. Applicants respectfully submit that, at the time of the claimed invention, it was not obvious to combine the teachings of Nakagawa and Perlman. Applicants respectfully submit that the existing level of ordinary skill in the art at the time the claimed invention was made is summarized in the background art section of the instant application. As described therein, the prior art was problematic for many reasons, which can be generally summarized as a lack of capability to scale (e.g., transcode) data in a secure manner. It is reasonable to infer that these problems would not have persisted had the claimed invention been obvious. Instead, those of ordinary skill in the art continued to encounter the disadvantages of the prior art without obvious solution. Applicants respectfully assert that the fact that progressive

encryption of scalably encoded data, as recited in the claims, was not implemented by those skilled in the art prior to the invention provides evidence of the nonobviousness of the present claimed invention.

Applicants respectfully submit that, even in combination, Nakagawa and Perlman at best only describe a method or system that is described by, and shares the problems of, the prior art described in the background art section of the instant application.

Specifically, Applicants respectfully submit that Nakagawa and Perlman (alone or in combination) do not show or suggest progressive encryption of scalably encoded data, nor packetization of progressively encrypted scalably encoded data, as recited in independent Claims 1, 13, 21, 50, 57 and 64. Also, Applicants respectfully submit that Nakagawa and Perlman (alone or in combination) do not show or suggest decrypting a packet containing progressively encrypted scalably encoded data, as recited in independent Claims 33, 39, 44, 71, 74 and 77.

Therefore, Applicants respectfully submit that Nakagawa and Perlman (alone or in combination) do not show or suggest the embodiments of the present claimed invention recited in independent Claims 1, 13, 21, 33, 39, 44, 50, 57, 64, 71, 74 and 77, and that these claims are considered patentable over Nakagawa and Perlman (alone or in combination). Because Claims 2-8, 12, 14-20, 22-28, 32, 34-38, 40-43 and 45-49 depend from Claim 1, 13, 21, 33, 39, 44, 50, 57, 64, 71, 74 or 77 and contain additional limitations that are patentably distinguishable over Nakagawa and Perlman (alone or in combination), these claims are also considered patentable over Nakagawa and Perlman (alone or in combination).

Therefore, Applicants respectfully submit that the basis for rejecting Claims 1-8, 12-28 and 32-79 under 35 U.S.C. § 103(a) is traversed.

Claims 9-11 and 29-31

Claims 9-11 and 29-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakagawa as modified by Perlman and further in view of Van der Auwera et al. ("Van der Auwera;" U.S. Patent No. 6,532,265). The Applicants have reviewed the cited references and respectfully submit that the present invention as recited in Claims 9-11 and 29-31 is not anticipated nor rendered obvious by Nakagawa, Perlman and Van der Auwera, alone or in combination.

As presented above, Applicants respectfully submit that Nakagawa and Perlman, alone or in combination, do not show or suggest the embodiments of the present claimed invention recited in independent Claims 1 and 21. Claims 9-11 are dependent on Claim 1 and recite additional limitations. Claims 29-31 are dependent on Claim 21 and recite additional limitations.

Applicants respectfully submit that Van der Auwera does not overcome the shortcomings of Nakagawa and Perlman. Applicants respectfully submit that Van der Auwera, alone or in combination with Nakagawa and Perlman, does not show or suggest progressive encryption, progressively encrypting data, or decrypting progressively encrypted data, as recited in the independent claims.

Therefore, Applicant respectfully submits that Nakagawa, Perlman and Van der Auwera, alone or in combination, do not show nor suggest the present invention as recited in independent Claims 1 and 21, and that these

claims are considered patentable over Nakagawa, Perlman and Van der Auwera (alone or in combination). Because Claims 9-11 and 29-31 depend from Claim 1 or 21 and contain additional limitations that are patentably distinguishable over Nakagawa, Perlman and Van der Auwera (alone or in combination), these claims are also considered patentable over Nakagawa, Perlman and Van der Auwera (alone or in combination). Therefore, Applicants respectfully submit that the basis for rejecting Claims 9-11 and 29-31 under 35 U.S.C. § 103(a) is traversed.

Conclusions

In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims.

Based on the arguments presented above, Applicants respectfully assert that Claims 1-79 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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